

Filed for intro on 02/15/2001  
HOUSE BILL 1818 By  
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SENATE BILL 1847  
By Elsea

AN ACT to amend Tennessee Code Annotated, Title 43; Title 44;  
Title 47; Title 53 and Title 62, relative to fees and the  
Agricultural Regulatory Fund.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated 43-1-701(b)(4), is amended by deleting the language "Chapter 9, part 1" and substituting the language "Chapter 8, part 3."

SECTION 2. Tennessee Code Annotated 43-1-701(b), by deleting the word "and" at the end of subdivision (4); by deleting the period at the end of subdivision (5) and substituting instead a semi-colon; and by adding the following language as a new subdivision to be designated as follows

- (6) Title 43, chapter 10, relative to inspection and labeling of agricultural seed;
- (7) Title 43, chapter 11, relative to fertilizer, lime and anhydrous ammonia;
- (8) Title 44, chapter 2, part 1, relative to the prevention and treatment of animal diseases;
- (9) Title 44, chapter 6, relative to inspection of commercial feed;
- (10) Title 44, chapter 7, part 2, relative to registration of brands;

- (11) Title 44, chapter 7, part 4, relative to certification of livestock and animal diagnostics;
- (12) Title 44, chapter 10, relative to the licensing of livestock dealers;
- (13) Title 44, chapter 11, relative to the licensing of community livestock sales;
- (14) Title 44, chapter 12, relative to charters for public livestock markets;
- (15) Title 44, chapter 15, relative to apiaries;
- (16) Title 44, chapter 16, relative to inspection of hatcheries;
- (17) Title 44, chapter 17, relative to dog and cat dealers;
- (18) Title 47, chapter 26, part 7, relative to the inspection of moisture measuring devices;
- (19) Title 47, chapter 26, part 8, relative to the licensing of certified public weighers;
- (20) Title 47, chapter 26, part 9, relative to the certification of weights and measures;
- (21) Title 47, chapter 26, part 10, relative to licensing of certified public weighmaster;
- (22) Title 47, chapter 26, part 11, relative to registration of servicepersons;
- (23) Title 53, chapter 1, relative to the inspection of food, drugs, and cosmetics;
- (24) Title 53, chapter 2, relative to the inspection of eggs;
- (25) Title 53, chapter 3, part 1, relative to the inspection of dairy products and trade products;
- (26) Title 53, chapter 7, part 2, relative to the inspection of meat and poultry;
- (27) Title 53, chapter 8, relative to the inspection of retail food stores; and
- (28) Title 53, chapter 9, relative to the inspection of refrigerated lockers.

SECTION 3. Tennessee Code Annotated 43-1-701(d), is amended by deleting the language “account within the division of plant industries” and substituting instead the word “program.”

SECTION 4. Tennessee Code Annotated 43-1-701(f), is amended by deleting the second sentence and substituting the following language:

Subject to the foregoing requirement, moneys in the fund shall be expended at the direction of the commissioner only to defray the costs associated with implementing and effectuating the purposes of the statutes specified in 43-1-701.

SECTION 5. Tennessee Code Annotated 43-1-701 (f), is further amended by deleting the word “and” between the word “bureau” and the word “a” in the last sentence and adding the language “and other representatives of organizations that may be affected by the regulatory provisions of those programs and services specified in 43-1-701(b)” after the phrase “Tennessee pest control association”.

SECTION 6. Tennessee Code Annotated 43-1-702, is amended by deleting that section in its entirety.

SECTION 7. Tennessee Code Annotated 43-1-703(a), is amended by deleting the word “and” between the words “fees” and “charter fees” in the first sentence and by deleting the period after the phrase “charter fees” and adding the following language:

and costs of the department as may be necessary to implement associated provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 8. Tennessee Code Annotated 43-1-703(a), is amended by adding the following language after the second sentence:

Except as otherwise provided, the commissioner shall establish such fees at an amount sufficient to recover at least the majority of the costs associated with implementation of the respective statutes. In setting such fees the commissioner shall take into consideration the economic impacts of the fees.

It is the intent of the general assembly not to impose a fee that by its assignment and subsequent impact creates a competitive disadvantage or economic hardship that cannot otherwise be reasonably recovered within the market place. Accordingly, in setting fees pursuant to the following statutes, the commissioner shall determine an

appropriate fee that does not necessarily require that the majority of program costs be recovered:

§43-1-701(b)(7) - Title 43, chapter 11, relative to fertilizer, lime and anhydrous ammonia;

§43-1-701(b)(9) - Title 44, chapter 6, relative to inspection of commercial feed;

§43-1-701(b)(10) - Title 44, chapter 7, part 2, relative to registration of brands;

and

§43-1-701(b)(16) - Title 44, chapter 16, relative to inspection of hatcheries.

SECTION 9. Tennessee Code Annotated 43-1-703(a), is amended by deleting the last sentence.

SECTION 10. Tennessee Code Annotated 43-1-703(c), is amended by deleting the language "1994" and substituting instead the language "2001."

SECTION 11. Tennessee Code Annotated 43-1-703(f), is amended by deleting that subsection in its entirety.

SECTION 12. Tennessee Code Annotated 43-1-704, is amended by deleting that section in its entirety and substituting instead the following language:

(a) The fees shall be proposed for rule promulgation in fiscal year 2001-2002.

No additional fees or increases in fees may be proposed by the commissioner until fiscal year 2005-2006 at which time no fee may be increased by more than twenty percent (20%) of the fee as established in fiscal year 2001-2002. Beginning in fiscal year 2005-2006, the commissioner may only propose an increase in fees every four (4) years thereafter, and such increases may not be more than twenty percent (20%) of the fees as established in the previous four (4) years. If any appropriation of the general assembly subsequently increases expenditures such that fees no longer recover a majority of the program costs, the commissioner may promulgate rules the following year to adjust fees accordingly. After fiscal year 2001-2002, the commissioner of agriculture

shall not increase fees in any year in which general state revenues have decreased from the previous year.

(b) Beginning in fiscal year 2001-2002 and each year thereafter, the commissioner shall prepare a report that summarizes all program expenditures and revenues associated with implementation of those statutes listed in Tennessee Code Annotated, Section 43-1-701. The report shall be submitted to members of the committee specified in §43-1-701(f) as well as the chairman of the house agriculture committee and the chairman of the senate commerce, labor and agriculture committee.

SECTION 13. Tennessee Code Annotated 43-8-309(a), is amended by deleting the last sentence.

SECTION 14. Tennessee Code Annotated 62-21-111, is amended by deleting that section in its entirety.

SECTION 15. Tennessee Code Annotated 62-21-112(a), is amended by deleting that subsection in its entirety.

SECTION 16. Tennessee Code Annotated 62-21-112(b)(1), is amended by deleting the last sentence.

SECTION 17. Tennessee Code Annotated 62-21-123(b), is amended by deleting the last sentence.

SECTION 18. Tennessee Code Annotated 44-7-202(b), is amended by deleting the language "and shall be accompanied by a fee of ten dollars (\$10.00), and a facsimile of the brand to be registered shall also accompany the application".

SECTION 19. Tennessee Code Annotated 44-7-202(e), is amended by deleting the language "of ten dollars (\$10.00)".

SECTION 20. Tennessee Code Annotated 44-7-202(f), is amended by deleting the language "of one dollar (\$1.00)".

SECTION 21. Tennessee Code Annotated 44-7-204, is amended by deleting the language “of two dollars (\$2.00)”.

SECTION 22. Tennessee Code Annotated 44-7-402, is amended by deleting that section in its entirety.

SECTION 23. Tennessee Code Annotated 44-7-403(a), is amended by deleting subdivisions (1) and (2) in their entirety, by designating present subdivision (3) as subdivision (2) and by substituting the following language as a new subdivision (1):

(1) The commissioner is authorized to charge fees for the animal diagnostic laboratory pursuant to rules promulgated by the commissioner of agriculture.

SECTION 24. Tennessee Code Annotated, Section 44-7-403, is amended by deleting subsections (b) and (c) in their entirety.

SECTION 25. Tennessee Code Annotated 44-16-104, is amended by deleting that section in its entirety.

SECTION 26. Tennessee Code Annotated 44-16-202, is amended by deleting that section in its entirety.

SECTION 27. Tennessee Code Annotated 44-6-104(b), is amended by deleting the language “of fifty dollars (\$50.00)” and the language “twenty-five dollar (\$25.00)”.

SECTION 28. Tennessee Code Annotated 44-6-109(a), is amended by deleting the language “at the rate of ten cents (10¢) per ton”.

SECTION 29. Tennessee Code Annotated 43-32-105(f), is amended by deleting the language “of one hundred fifty dollars (\$150)” and the language “of fifty dollars (\$50.00)”.

SECTION 30. Tennessee Code Annotated 43-10-118(a)(1), is amended by deleting the language “of ten dollars (\$10.00)”.

SECTION 31. Tennessee Code Annotated 43-10-118(a)(2), is amended by deleting the language “of ten dollars (\$10.00)”.

SECTION 32. Tennessee Code Annotated 43-10-118(a)(3), is amended by deleting the language “of seventy-five dollars (\$75.00)”.

SECTION 33. Tennessee Code Annotated 43-10-118(e), is amended by deleting the language “on each container of seed as follows:”

SECTION 34. Tennessee Code Annotated TCA 43-10-118, is amended by deleting subsections (e)(1) through (e)(4) in their entirety.

SECTION 35. Tennessee Code Annotated 43-10-119, is amended by deleting that section in its entirety.

SECTION 36. Tennessee Code Annotated 53-3-105(a), is amended by deleting the language “fee of five dollars (\$5.00)”.

SECTION 37. Tennessee Code Annotated 53-3-105(b), is amended by deleting the language “and the fee shall be five dollars (\$5.00)”.

SECTION 38. Tennessee Code Annotated 53-3-106(a)(1), is amended by deleting the third sentence and substituting the following language:

The method for determining the license fee for a frozen dessert manufacturers license shall be based on rules promulgated by the commissioner of agriculture.

SECTION 39. Tennessee Code Annotated 53-3-106(a)(1), is amended by deleting the following language:

Up to and including - 20,000 Gallons	\$ 20.00
20,001 - 100,000 Gallons	50.00
100,001 - 500,000 Gallons	100.00
500,001 - 1,000,000 Gallons	150.00
1,000,001 - 2,000,000 Gallons	200.00
2,000,001 - and up Gallons	250.00

SECTION 40. Tennessee Code Annotated 53-3-106(a)(2), is amended by deleting the last sentence and substituting the following language:

Methods for determining license fees for a plant license shall be prescribed in rules promulgated by the commissioner of agriculture.

SECTION 41. Tennessee Code Annotated 53-3-106(a)(2), is amended by deleting subdivisions (A) through (D) in their entirety.

SECTION 42. Tennessee Code Annotated 53-3-106(a)(3), is amended by deleting the language, “Methods for determining the license fee for a receiving plant license shall be as follows:” and substituting the following language:

Methods for determining the license fee for a receiving plant license shall be determined in rules promulgated by the commissioner of agriculture.

SECTION 43. Tennessee Code Annotated 53-3-106(a)(3), is amended by deleting subdivisions (A) through (C) in their entirety.

SECTION 44. Tennessee Code Annotated 53-3-106(a)(4), is amended by deleting the last sentence.

SECTION 45. Tennessee Code Annotated 53-3-107(a)(1), is amended by deleting the language “ten dollar (\$10.00) annual”.

SECTION 46. Tennessee Code Annotated 53-3-107(a)(1), is amended by deleting the last sentence.

SECTION 47. Tennessee Code Annotated 53-3-117, is amended by deleting that section in its entirety.

SECTION 48. Tennessee Code Annotated 44-17-104, is amended by deleting subsection (b).

SECTION 49. Tennessee Code Annotated 43-11-104(a), is amended by deleting the language “at a fee of twenty-five dollars (\$25.00) each”.

SECTION 50. Tennessee Code Annotated 43-11-104(d), is amended by deleting the language “of twenty-five dollars (\$25.00)” and substituting the language “as established in rules promulgated by the commissioner of agriculture”.



SECTION 51. Tennessee Code Annotated 43-11-106(a)(1), is amended by deleting the language “at the rate of twenty cents (20¢) per ton” and substituting the language “as established in rules promulgated by the commissioner of agriculture”.

SECTION 52. Tennessee Code Annotated, Section 43-11-106(a), is amended by deleting subdivision (2).

SECTION 53. Tennessee Code Annotated 43-11-106(b)(2), is amended by deleting the language “twenty cents (20¢) per ton”.

SECTION 54. Tennessee Code Annotated 43-11-106(b)(4), is amended by deleting the language “of ten percent (10%) of the amount due”.

SECTION 55. Tennessee Code Annotated 43-11-405(b), is amended by deleting the language “of one hundred dollars (\$100)” and substituting the language “as established in rules promulgated by the commissioner of agriculture”.

SECTION 56. Tennessee Code Annotated 43-11-406(a), is amended by deleting the language “the inspection fee at the rate of ten cents (10¢) per ton” and substituting the language “an inspection fee as established in rules promulgated by the commissioner of agriculture”.

SECTION 57. Tennessee Code Annotated 44-12-108(8), by deleting the language “of two hundred fifty dollars (\$250)” and substituting the language “as established in rules promulgated by the commissioner of agriculture”.

SECTION 58. Tennessee Code Annotated 44-12-111, is amended by deleting that section in its entirety.

SECTION 59. Tennessee Code Annotated 44-10-203, is amended by deleting the language “of twenty-five dollars (\$25.00)” and substituting the language “as established in rules promulgated by the commissioner of agriculture”.

SECTION 60. Tennessee Code Annotated 44-10-203, is amended by deleting from the second sentence the language “and shall be kept in a special fund for the administration of this part”.

SECTION 61. Tennessee Code Annotated 44-11-104(a), is amended by deleting the language “one hundred dollars (\$100) per annum” and substituting the language “established in rules promulgated by the commissioner of agriculture”.

SECTION 62. Tennessee Code Annotated 53-9-103(a), is amended by deleting that subsection in its entirety and substituting the following language:

Applicants seeking license or permit to operate a frozen food locker plant shall pay a fee as established in rules promulgated by the commissioner of agriculture.

SECTION 63. Tennessee Code Annotated 53-9-103(b)(1), is amended by deleting the language “certified check or cash, to the amount of twenty-five dollars (\$25.00),” and substituting the language “fee as established in rules promulgated by the commissioner of agriculture”.

SECTION 64. Tennessee Code Annotated 53-9-103(c), is amended by deleting that subsection in its entirety.

SECTION 65. Tennessee Code Annotated 53-7-219(a), is amended by deleting that subsection in its entirety and substituting the following language:

Fees for licenses and inspections shall be established in rules promulgated by the commissioner of agriculture.

SECTION 66. Tennessee Code Annotated 53-7-219(c), is amended by deleting that subsection in its entirety.

SECTION 67. Tennessee Code Annotated 53-7-220(c), is amended by deleting the language “of twenty-five dollars (\$25.00)” and substituting the language “as established in rules promulgated by the commissioner of agriculture”.

SECTION 68. Tennessee Code Annotated 53-8-206, is amended by deleting that section in its entirety.

SECTION 69. Tennessee Code Annotated 53-12-104(b), is amended by deleting the language “of one hundred dollars (\$100) for each such license renewable on August 1 of each

year” and substituting the language “as established in rules promulgated by the commissioner of agriculture”.

SECTION 70. Tennessee Code Annotated 53-12-104(b), is further amended by deleting the last sentence.

SECTION 71. Tennessee Code Annotated 47-26-806(a), is amended by deleting the language, “of ten dollars (\$10.00)” and substituting the language “as established in rules promulgated by the commissioner of agriculture”.

SECTION 72. Tennessee Code Annotated 47-26-806(a), is further amended by deleting the last sentence.

SECTION 73. Tennessee Code Annotated 47-26-1110(a), is amended by deleting the language, “equivalent to ten dollars (\$10.00)” and substituting the language “for the registration of servicepersons in rules promulgated by the commissioner of agriculture”.

SECTION 74. Tennessee Code Annotated 47-26-1110(a), is further amended by deleting the second sentence.

SECTION 75. Tennessee Code Annotated 47-26-1008, is amended by deleting the language, “a fee equal to ten dollars (\$10.00) per year to the department” and substituting the language “an annual fee as established in rules promulgated by the commissioner of agriculture”.

SECTION 76. Tennessee Code Annotated 47-26-1008, is further amended by deleting the last sentence.

SECTION 77. This act shall take effect July 1, 2001, the public welfare requiring it.